IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 23547 of 2004**

Between:

Smt.Dara Lakshmamma W/o.Late Malakondaiah
Chillaragollapalem, Bapatla Town & Mandal,
Guntur Dist.

**..... PETITIONER**

AND

1 Acharya N.G.Ranga Agrl. University rep by its Registrar
Rajendernagar, Ranga Reddy Dist.
2 The Principla, Acharya N.G.Ranga Agricultural College
Bapatla, Guntur Dist.
3 Nakka Subbamma W/o.Papaiah
Bapatla, Guntur Dist.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or Direction, more particularly one in the nature of writ, of Mandamus, to declare the action of the respondent Nos. 1 and 2 herein in attempting to release the retirement and family pension benefits in favour of the 3rd respondent who is no way concern with the husband of the petitioner, as illegal, arbitrary, unconstitutional and consequently direct the respondent No.1 to 2 herein not to release the retirement and family pension benefits in favour of the 3rd respondent.

**Counsel for the Petitioner: MR.R.SATYANARAYANA**

**Counsel for the Respondent Nos.1 and 2: MR.B.SIVA REDDY**

**Counsel for the Respondent No.3: Mr.C.A.R. Seshagiri Rao**

**The Court made the following :**

**ORAL ORDER**:

The 3rd respondent in the writ petition has filed Rev. W.P.M.P.(SR) No.47930 of 2005 which is at the S.R. stage to review the order, dated 20.12.2004 passed by this Court in W.P.No.23547 of 2004. This Court, in the main writ petition, passed the following order:

> *"Therefore, the writ petition is disposed of with a direction to the petitioner to obtain necessary succession certificate from the competent civil Court of jurisdiction. Till the petitioner obtained the succession certificate, the 1st and 2nd respondents should not release the retirement and family pension benefits either to the petitioner or to the 3rd respondent".*

Now, it is stated in the review application that the writ petitioner already filed O.P.No.46 of 1996 on the file of the IV Addl. District Judge, Guntur, for grant of Succession Certificate and that petition was dismissed on the ground that the writ petitioner suppressed the fact that she misled the Court and obtained interim orders. When the writ petitioner already filed a petition for succession certificate and the same was dismissed, the question not to release the retirement and family pension benefits till the petitioner obtains Succession Certificate does not arise. Therefore, the order passed in W.P.No.23547 of 2004 is reviewed and the writ petition is restored to file.

However, the learned counsel for the writ petitioner seeks permission of this Court to withdraw the writ petition.

Permission is accorded.

The writ petition is dismissed as withdrawn with a liberty to file a fresh writ petition. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

21st June, 2005

bcj

To

1 The Registrar, Acharya N.G.Ranga Agrl. Univeristy,
Rajendernagar, Ranga Reddy Dist.
2 Two C.D. copies.

3 The Principal, Acharya N.G.Ranga Agrl. College, Bapatla, Guntur